

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION)
71790 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE CHURCHILL)
VALLEY HYDROGRAPHIC BASIN (102),)
LYON COUNTY, NEVADA.)

RULING

5569

GENERAL

I.

Application 71790 was filed on October 21, 2004, by Ted and Mary Lee Wilson to appropriate 0.10 cubic feet per second of underground water from the Churchill Valley Hydrographic Basin for commercial purposes within a proposed place of use that is described as being within the SE¼ of Section 17, T.18N., R.25E., M.D.B.&M. The proposed point of diversion is described as being within the NW¼ SE¼ of said Section 17.¹

The remarks section of the subject application states that the water requested for appropriation is to be used for 14 mobile home sites at 300 gallons per day per unit.¹

FINDINGS OF FACT

I.

The State Engineer described and designated the Churchill Valley Hydrographic Basin August 23, 1977, under the provisions of NRS § 534.030 as a basin in need of additional administration.

II.

The perennial yield of a groundwater reservoir may be defined as the maximum amount of ground water that can be salvaged each year over the long term without depleting the

¹ File No. 71790, official records in the Office of the State Engineer.

groundwater reservoir. Perennial yield is ultimately limited to the maximum amount of natural discharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded groundwater levels will decline.²

Withdrawals of ground water in excess of the perennial yield may contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of groundwater gradients, which could result in significant changes in the recharge-discharge relationship.

The committed groundwater resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Churchill Valley Hydrographic Basin currently exceeds 10,960 acre-feet annually.³

The United States Geological Survey estimates that the perennial yield of the Churchill Valley Hydrographic Basin is 1,600 acre-feet annually.⁴

The State Engineer finds that the estimates of the Churchill Valley Hydrographic Basin's perennial yield are significantly exceeded by the basin's committed groundwater resource.

III.

The State Engineer has denied an application that requested a permanent appropriation of underground water for commercial purposes within the Churchill Valley Hydrographic Basin in 1998. This denial was based on the grounds that withdrawals of additional ground water in a basin in which

² Office of the State Engineer, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, Oct. 1971.

³ Nevada Division of Water Resources Water Rights Database, Hydrographic Basin Summary, Churchill Valley, February 16, 2005, official records in the Office of the State Engineer.

⁴ Nowlin, Jon, Ground-Water Quality in Nevada - a Proposed Monitoring Program, Open File Report 78-768 U.S.G.S., p. 195

appropriations of ground water substantially exceed the perennial yield of the basin would adversely affect existing rights and be detrimental to the public interest.⁵ The State Engineer finds that Application 71790 was filed to appropriate underground water for a similar use and in the same hydrologic basin as the application that has been previously denied.

IV.

When a previous application for a similar use of water within the same hydrologic groundwater basin has been rejected on the grounds that there is no unappropriated water or when its proposed use would conflict with existing rights or would threaten to prove detrimental to the public interest, the new application may be denied without going to publication.⁶ The State Engineer finds that Application 71790 can be denied prior to publication.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁷

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁷

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

⁵ See, State Engineer's Ruling No. 4604 for Application 58118, official records in the Office of the State Engineer.

⁶ NRS § 533.370(4).

⁷ NRS chapters 533 and 534.

III.

The State Engineer concludes that to grant a permit under application 71790 in a groundwater basin where the quantity of water under existing appropriations exceeds the basin's perennial yield would conflict with existing rights and be detrimental to the public interest.

RULING

Application 71790 is hereby denied on the grounds that granting the application would interfere with existing rights and be detrimental to the public interest.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/MJW/jm

Dated this 1st day of
March, 2006.